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JAN 14 2005

OFFICE OF PETITIONS

In re Application of
Teresa M. Zander et al.
Application No. 10/749,871
Filed: December 30, 2003
Attorney Docket No. 659-2080

:
:
: DECISION ACCORDING STATUS
: UNDER 37 CFR 1.47(a)
:

This is in response to the petition filed November 15, 2004 under 37 CFR 1.47(a).

The petition is **GRANTED**.

The above-identified application was filed on December 2004, naming Teresa M. Zander, Kristi Jo Bryant, Debra A. Haase, Sheila M. Heyrman, Kim Hoertsch, Adrienne R. Loyd, William G. Reeves, Garry R. Woltman, Theodore T. Tower as joint inventors but without a signed declaration. Accordingly, on August 9, 2004, a "Notice To File Missing Parts of Application" was mailed, requiring *inter alia* a properly executed oath or declaration.

In response, an oath or declaration executed only by joint inventors Zander, Bryant, Haase, Heyrman, Loyd, Reeves, Woltman and Tower, an extension of time request and the instant petition under 37 CFR 1.47(a) was filed. The petition argues that joint inventor Hoertsch refuses to cooperate with the filing of the instant application.

A grantable petition under 37 CFR 1.47(a) requires: (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings); (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116; (3) the petition fee; and (4) a statement of the last known address of the non-signing inventor.

The petition bears proof that efforts to have Ms. Hoertsch join in the filing of the instant application, including mail to the last known address and telephone calls, but that Ms. Hoertsch has not complied with the requests to have the oath or declaration executed and thus by her actions refuses to cooperate with the filing of the application.

The above-identified application and papers have been reviewed and found in

compliance with 37 CFR 1.47(a). In view thereof, this application is hereby accorded Rule 1.47(a) status.

Thus, as provided in Rule 1.47c, this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

The application is being forwarded to Technology Center 3765 for examination in due course.

Telephone inquiries concerning this matter may be directed to the undersigned Petitions Attorney at (571) 272-3212.

A handwritten signature in black ink, reading "Patricia Faison-Ball". The signature is written in a cursive, flowing style with a large initial "P".

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions



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JAN 14 2005

OFFICE OF PETITIONS

In re Application of
Teresa M. Zander et al.
Application No. 10/749,871
Filed: December 30, 2003
For: Visually Coordinated Absorbent Product

Dear Ms. Hoertsch:

You are named as joint inventors in the above identified United States patent application, filed under the provisions of 35 U.S.C. 116 (United States Code), and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as joint inventors.

As named inventors you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to the undersigned Petitions Attorney at (571) 272-3212. Requests for information regarding your application should be directed to the File Information Unit at 703/308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at 703/308-9726 or 1-800-972-6382 (outside the Washington D.C. area).

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

cc:

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